

**STATE OF MAINE**

**DISCLOSURE OF VITAL STATISTICS  
DATA, REPORTS AND RECORDS**

**10-146 CODE OF MAINE RULES  
CHAPTER 4**



**Department of Health and Human Services  
Maine Center for Disease Control and Prevention  
11 State House Station  
Augusta, Maine 04333-0011**

**Effective: October 3, 2018**

<b>10</b>	<b>DEPARTMENT OF HEALTH AND HUMAN SERVICES</b>
<b>146</b>	<b>OFFICE OF DATA, RESEARCH AND VITAL STATISTICS</b>
<b>Chapter 4:</b>	<b>DISCLOSURE OF AND ACCESS TO VITAL STATISTICS DATA, REPORTS AND RECORDS</b>

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## **SUMMARY STATEMENT**

This rule provides clarification on disclosure of, and access to, the specific release of all vital statistics data, reports and vital records by the Department of Health and Human Services, Maine Center for Disease Control and Prevention, to better serve the public, genealogical researchers and municipal clerks by ensuring the limitations specified in 22 MRS §2706 are met.

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## SECTION 1.

- A. **PURPOSE.** The purpose of this rule is to clarify the difference between non-restricted and restricted vital statistics data, reports and records, and to specify the criteria required for individuals to request access to vital statistics data reports, and records maintained in the Office of Data, Research, and Vital Statistics in the Department of Health and Human Services Maine CDC ( Department). Vital records and other restricted records maintained by the Department are confidential under 22 MRS §2706.
- B. **DEFINITIONS.** For purposes of this rule, the following terms shall have the meanings set forth below:
1. **Abortion** means the intentional interruption of a pregnancy by the application of external agents, whether chemical or physical, or the ingestion of chemical agents with an intention other than to produce a live birth or to remove a dead fetus, regardless of the length of gestation.
  2. **Abstract** means a document furnished by the State Registrar for the purpose of reporting vital statistics data, reports and vital records which may be retained on paper, digitally or electronically, that becomes official when issued by a municipal clerk or the Department. The information on the certified abstract shall be identical to that on the report or vital record.
  3. **Administrative purposes** means uses of vital statistics data by federal, State, local government, or Tribal agencies for the conduct of their official duties, including planning, program management, eligibility determination, and provision of services, quality control and program evaluation.
  4. **Applicant** means an individual who submits a request to the Department to receive copies of vital statistics data, reports or records in accordance with this rule.
  5. **Application** means the paper or electronic application prescribed and furnished by the Department to request or verify vital statistics data, reports and vital records for the purpose of determining the applicant's eligibility to receive such data. Upon submission of any application requesting a vital record, the application shall be considered part of that record subject to release in accordance with this rule.
  6. **Authorized representative** means an agent or attorney designated in a written and notarized statement signed by the registrant or other qualified applicant who is able to present documentation of his or her direct and legitimate interest in the matter recorded.
  7. **Birth lists** means lists that shall include only the following vital statistics data from birth records: child's name, date of birth, sex, city or town of birth, mother/parent name and mailing address. In the case of adoptions and legitimations, birth lists shall contain only the names and addresses after adoption or legitimation, pursuant to 22 MRS §2765.
  8. **Certified copy** means the document created from paper or electronic format, issued by a municipal clerk or the Department containing all or a part of the exact data contained on the original vital record, and which, when issued by a municipal clerk or the Department, has the full force and effect of the original vital record.

9. **Confidentiality agreement** means an agreement between an applicant and the Department that the vital statistics data received pursuant to this rule will not be used in any manner which will disclose the identity of registrants or other individuals named on the records, other than for the administrative or statistical research purposes specified in the application.
10. **Date of event** means the date on which a birth, death, fetal death, marriage, divorce, annulment, or domestic partnership registration or termination occurred.
11. **Department** means the State of Maine, Department of Health and Human Services, Maine Center for Disease Control and Prevention, Office of Data, Research and Vital Statistics.
12. **Disclosure** means the communication, transmittal, dissemination or release of vital statistics data, reports and records to any individual or organization in any form, whether written, verbal, electronic or otherwise.
13. **Fetal Death** means a spontaneous intrauterine death of a fetus at 20 weeks or greater gestation.
14. **Genealogist disclosure agreement** means an agreement between a genealogical researcher and the Department that when signed obligates the researcher to abide by a genealogist code of ethics, adhere to a specified method of inspection and uphold the responsibilities the genealogical researcher has in preserving the security and confidentiality of vital statistics data received pursuant to this rule. This applies to all records viewed, regardless of repository location, including a municipal office, the Department and the Maine State Archives.
15. **Genealogical researcher** means an individual who has requested access to and inspection of restricted vital statistics data, reports and vital records, and who meets the criteria specified in this rule and holds a genealogical researcher identification card from the Department.
16. **Genealogical researcher identification card** means the card that is issued by the Department to a genealogical researcher following a completed application approved in accordance with this rule and that affords a registered genealogical researcher access to restricted vital statistics data, reports, and/or records.
17. **Identifying data** means the names and street addresses of the registrant(s) and other individuals named on or the subject of a report or record registered by the State Registrar, including the date of birth and the month and day of the event. The year that an event occurred is not identifying data.
18. **Indexes** means lists of selected events with fields maintained and specified by the State Registrar.
19. **Inspection of records** means the method of inspection specified by the State Registrar who is responsible for the maintenance, security and integrity of vital statistics data, reports, vital records, and other records.

20. **Inter-jurisdictional exchange of vital records** means a process whereby registration areas agree to exchange vital statistics data, reports and records with the state registrars of other states, territories and neighboring countries.
21. **Legacy records** means any written, printed, digital or electronic data compilation from non-restricted vital statistics data, reports and records as specified in 22 MRS §2706(7).
22. **Marriage intentions** means the intentions of marriage notice application form as prescribed and furnished by the State Registrar for the purpose of recording notice of intentions to marry.
23. **Miscarriage** means an interruption of a pregnancy other than as provided in the definition of abortion, of a fetus of less than 20 weeks gestation.
24. **Non-certified copy** means an informational copy of a vital record issued by a municipal clerk or the Department containing all or part of the exact data contained on the original vital record in which, when issued, shall be on white paper and shall be marked in a way to state the copy is not intended for legal purposes.
25. **Non-restricted vital statistics data, reports, and records** means vital statistics data, reports, and records regarding divorces, annulments, and, in limited circumstances, restricted vital statistics data, reports, and records not presented in conjunction with identifying data or with other information that might allow indirect identification of the registrant or other individuals named on the record.
26. **Registration** means the process by which vital records and other records and reports are accepted and incorporated into the system of vital statistics by the State Registrar.
27. **Registrant** means the individual(s) to whom the record pertains: the child named on a birth certificate, the decedent named on a death certificate, the married individuals named on a marriage certificate, the divorced individuals named on a divorce record, the parent(s) named on a fetal death certificate and the individuals listed on the domestic partnership certificate.
28. **Related individual** means a member of the immediate family of the registrant or descendants thereof as specified in 22 MRS §2706(5).
29. **Restricted vital statistics data, reports and records** means vital statistics data, reports, vital records, and reports of abortions, miscarriages, domestic partnerships, and marital intentions presented in conjunction with identifying data or with other information which may allow indirect identification of the registrant or other individuals named on the record. Restricted vital statistics data, reports and records are not public records. See also Section 2 of this rule.
30. **Sealed record** means the original record of an event that has been reported to the State Registrar and the documentary evidence presented to support the change made to a record. A sealed record shall not be subject to inspection except upon order of a court with competent jurisdiction or by application of the registrant who is 18 years of age or older as specified in 22 MRS §2768.

31. **System of vital statistics** means the collection, registration, preservation, amendment, certification, verification and maintenance of the security and integrity of vital records; the collection of other records and reports required of the State Registrar; and activities related thereto, including the tabulation, analysis, publication and dissemination of vital statistics.
32. **Vital record** means a paper, digital or electronic report of birth, marriage, death, or fetal death and vital statistics data related thereto that has been registered by the State Registrar.
33. **Vital statistics data** means the data derived from paper or electronic vital records and reports of birth, marriage, death, or fetal death and related tabulations and reports.

## **SECTION 2. RELEASE OF AND ACCESS TO VITAL STATISTICS DATA, REPORTS AND RECORDS**

- A. **Non-restricted vital statistics data, reports and records.** Non-restricted vital statistics data, reports and records shall be released to applicants who meet the following criteria:
  1. Those who present a completed and signed application or written request and show identification in accordance with this rule; and
  2. Upon payment of a fee as specified in Section 5.
- B. **Restricted vital statistics data, reports and vital records.** Restricted vital statistics data, reports and records shall be released upon approval of the State Registrar to applicants who meet the criteria specified for non-restricted data, reports and records in addition to the following criteria, as may be applicable to the type of data, report or record requested:
  1. Those who demonstrate a direct and legitimate interest in the data, reports and vital records as specified in Section 6; or
  2. Those requesting data for statistical or administrative research as specified in Section 8; or
  3. Those who present a genealogical researcher identification card as specified in Section 9.
- C. **Access to vital statistics data, reports and records.** Access to vital statistics data, reports and records may be restricted.
  1. “Hands on” access or inspection of original, paper-based records or indexes shall not be permitted if there is an alternative method that may be used. The State Registrar shall require that original, paper records be handled in accordance with guidelines designed to protect the physical integrity and condition of the records.

2. Access to records may be further restricted to any applicant according to procedures of the Address Confidentiality Program under 5 MRS §90-B or as deemed appropriate by the State Registrar.
3. A municipal clerk or the Department shall not permit access to or disclosures of personally identifiable information contained in vital records, or issue a copy of all or part of any such record unless the applicant is authorized to obtain such record for a proper purpose as specified in Section 6 or authorized to obtain such data as specified in Section 8.
4. Legacy records as defined in Section 1 may be viewed at the Maine State Archives. Non-certified copies of records as specified in Section 2(E)(2) below, may be issued from the Maine State Archives in accordance with 5 MRS §95(12).

**D. Search provided**

1. The Department shall search files for the requested records within one year before and one year after the stated date of event provided on the completed and approved application, written request or verification.
2. A fee for each search conducted shall accompany each application, written request or verification and shall be paid even if the record is not located.
3. If the requested record cannot be located or does not match the criteria specified on the application, the Department shall issue a document indicating that no match was found and the specific search criteria used in the attempt to identify the record.

**E. Copies of records from the system of vital statistics.** Provided all the requirements of this rule have been met, a certified or non-certified copy of a record may be issued to a qualified applicant. Upon the determination of a municipal clerk or the Department, a certified or non-certified copy of a record may be issued to an applicant, provided all requirements of this section are met.

1. A certified copy of a record, as defined in Section 1, or any part thereof, issued in accordance with this rule, shall be considered for all purposes the same as the original and shall be prima facie evidence of the facts stated in the record.
  - a. Notwithstanding the above paragraph, the evidentiary value of a record submitted more than one year after the event or a record that has been amended shall be determined by the judicial or administrative body or official before whom the certified copy is offered as evidence.
2. A non-certified copy of a record as defined in Section 1 shall not be used to establish legal identity or other legal purposes and shall be marked “not for legal purposes.” Generally, non-certified copies are used for investigative research or genealogical purposes only.

3. Certified or non-certified copies of a record may be issued by mechanical, digital, electronic or other reproductive processes as specified by the State Registrar.
4. For available records created prior to 1892, individuals may purchase a copy of the vital record issued on letterhead from a clerk of a municipality or the Maine State Archives.
5. Non-restricted vital statistics data, reports and records may be issued as a non-certified copy of a record as defined in Section 1, provided the criteria specified in Section 2(A) have been met.
6. Non-restricted vital statistics data, reports and records may be issued as a certified copy of a record as defined in Section 1, provided the criteria specified in Section 2(A) and 2(B) have been met.

### **SECTION 3. APPLICATION**

- A. An application form shall be prescribed and furnished by the Department or a municipal clerk for the purpose of determining the applicant's eligibility to receive the restricted vital statistics data, reports and vital records; or the State Registrar may authorize the verification in other ways when it shall prove in the best interest of the Department.

The State Registrar may require, as part of a completed application, a signed confidentiality agreement for vital statistics data requests or, if the applicant is requesting restricted vital records, a signed genealogist disclosure agreement which includes a code of ethics. Agreement forms can be accessed at <http://www.maine.gov/dhhs/mecdc/public-health-systems/data-research/vital-records/forms/index.shtml>.

- B. Written requests may be presented in lieu of an application. The written request shall contain at a minimum:
  1. The applicant's full name, mailing address, telephone number and email address, or the name of the organization or the official authorized to execute agreements, title, organizational affiliation, mailing address, telephone number and email address;
  2. Applicant's relationship to the registrant, if required by Section 2;
  3. Registrant(s) listed on the record requested;
  4. Approximate date of event or three-year time frame to search;
  5. Place (city or town) of event, if known;
  6. Names of parents of registrant listed on the record, if known;



- 7. The additional application requirements specified in Section 8 if requesting the release of restricted data for administrative and statistical research purposes; and
- 8. A self-addressed, stamped envelope.
- C. Applications shall generally be handled in the order in which they are received. When more than three applications are received from the same applicant, the additional applications may be accepted and processed at a later time.
- D. Applications may be presented in person, via mail, fax, and e-mail or electronically when they have been produced by software or the electronic system provided and approved by the State Registrar.
- E. Approved applications and written requests submitted to the Department for the release, inspection or copying of a record shall be considered part of that record, subject to release in accordance with this rule.

#### **SECTION 4. ACCEPTABLE IDENTIFICATION OF APPLICANT**

- A. A municipal clerk and the Department shall require the applicant to present identification documents at the time of application.
- B. The identification documents presented by the applicant shall be the original or a copy of a document that has been notarized. Such documentation must be acceptable by the municipal clerk or the Department and shall include:
  - 1. Government issued identification that includes a photograph; or
  - 2. At least two alternate forms of identification; or
  - 3. An alternative electronic process.
- C. A municipal clerk or the Department may require a sworn statement in addition to the above identification documents in order to establish an applicant's eligibility.
- D. A municipal clerk or the Department shall review the identification documents presented by the applicant and may verify the identification documents with originating agencies.
- E. Approved identification documents shall be notated on the application form specified in Section 3.

#### **SECTION 5. FEES**

- A. **Vital statistics general fees.** All vital statistics data, reports and vital records released in response to approved requests shall be subject to set charges in accordance with 10-146 CMR chapter 7.

1. Except as specified in Sections 5(B) and (C) or as directed by the State Registrar, the applicable fees shall be paid in advance
  2. Charges for vital statistics data, reports and records released in other formats shall include, but not be limited to, computer time, materials, photocopying, access to or maintenance of the electronic system approved by the State Registrar and any other costs incurred in producing the requested data.
  3. Except as specified in Sections 5(B) and (C), an estimate of charges for such requests shall be provided to the applicant and the agreement for payment secured prior to preparation of the data for release.
- B. **Active duty military personnel.** A request for a waiver of the processing fee that is ordinarily charged when an Acknowledgement of Paternity (AOP) is not filed with the birth record, may be submitted by or on behalf of the active duty military personnel not able to attend the birth of their child and sign the AOP. The request for a waiver must include the following:
1. The completed AOP; and
  2. A copy of the military father's DD-214 "Certificate of Release or Discharge from Active Duty" paperwork or other official military document that shows that the father was engaged in military service at the time of the child's birth.
- C. **Other government.** Vital statistics data, reports and records may be furnished to other agencies within the Department for use in federal or State-funded programs; to other Maine State government agencies, Tribal agencies; or to agencies of other state governments. Except for Maine State agencies, the release of any vital statistics data, reports and records shall be at the discretion of the State Registrar and in accordance with this rule.
1. Data, reports or records requested by federal agencies other than the National Center for Health Statistics (NCHS) may be released only if prior agreement for payment has been secured or if prior approval has been secured from the State Registrar for the release.
  2. Municipal offices will charge fees for certified copies as specified in 30-A MRS § 2652(3). Municipal offices may charge fees for non-certified copies of records as specified in their municipal fee schedule.

## SECTION 6. DIRECT AND LEGITIMATE INTEREST

- A. **Applicants who may or may not have a direct and legitimate interest.** To protect the integrity of vital records, a municipal clerk or the Department shall not permit inspection or disclosure of information contained in vital statistics records, or issue a copy of all or part of any such record, unless the applicant has a direct and legitimate interest in such record in accordance with 22 MRS § 2706(5). The following applicants may obtain restricted vital statistics data contained in a vital reports or records by

demonstrating that such information is needed for the determination or protection of personal property rights:

1. Registrant or related individuals;
2. A surviving parent acting on behalf of a child who is a minor shall be entitled to the deceased parent(s) death certificate if their parental rights have not been terminated.
3. Genealogical researchers who hold a valid genealogical researcher identification card from the Department as specified in Section 9 of this rule.
4. Others approved by the State Registrar who provide supporting documents of eligibility to determine they are qualified to receive such data.

Applicants demonstrating a direct and legitimate interest shall present supporting documentation as specified in Section 6(B) for the purposes of determining the applicant's eligibility to receive the requested data or record.

**B. Supporting documentation to demonstrate a direct and legitimate interest.** A municipal clerk or the Department shall review the supporting documentation presented by the applicant. Such documentation shall be an original document or a copy of the document that has been notarized.

1. The registrant listed on birth records; the parties or officiant listed on a marriage record; the informant who provides information about a deceased person to the funeral establishment in order to file the death record, funeral director or authorized person listed on a death record; and the parents listed on a birth, death or marriage record shall present acceptable identification as specified in Section 4.
2. Related individuals shall present supporting documentation to demonstrate lineage or relationship as specified in Section 7.
3. A surviving parent acting on behalf of a child who is a minor shall present the birth certificate of the child naming the surviving parent or an order from a court of competent jurisdiction naming both the child and the surviving parent.
4. Genealogical researchers shall present a valid genealogical researcher identification card issued from the Department as specified in Section 9.
5. Authorized representatives shall present the written and notarized statement from the registrant or proof of contract. If the registrant is requesting a family member's record, the notarized statement or contract shall be presented in addition to supporting documentation that demonstrates lineage or relationship as specified in Section 7.
6. Federal, State, Maine local government or Tribal agencies, Maine municipal governments and Maine public school districts shall present a written request on letterhead and provide documentation of identification of the applicant who signed the request.

7. Individuals conducting health, medical and social research, including those who represent governmental agencies, shall provide additional information as specified in Section 8.

A municipal clerk or the Department may verify the authenticity of the documents presented in the event they have reasonable cause to question the validity or accuracy of the document.

- C. **Disclosure of released data.** Direct and legitimate interest does not include access to or disclosure of information contained in vital statistics data, reports and vital records for sale or release to the public, for direct or indirect marketing of goods or services, for other non-research solicitation of registrants or families of registrants, or for other commercial or speculative purposes by media representatives and commercial firms other than those conducting health, medical or social research.
- D. **Copies of vital records.** Certified copies and non-certified copies of records, including restricted records, requested by an eligible applicant will be issued in accordance with Section 2.

## **SECTION 7. LINEAGE OF APPLICANT WHEN REQUESTING RESTRICTED VITAL STATISTICS DATA, REPORTS AND VITAL RECORDS**

- A. **Release to a relative or representative.** A related individual or the authorized representative of a related individual shall present supporting documentation to demonstrate lineage or relationship to the registrant at the time of application and prior to the issuance or release of vital statistics data, reports and vital records.
  1. **Primary documents demonstrating lineage.** Certified copies of vital records presented to demonstrate lineage or relationship are considered the primary documents. The registrant who is 18 years of age or older may present a notarized report of results of DNA testing as an acceptable primary document to obtain a vital record of a parent who is not named on the registrant's birth certificate.
  2. **Secondary documents demonstrating lineage.** In the event the primary documents to demonstrate lineage or relationship to the registrant specified above are not available, then two documents as specified below shall be presented:
    - a. A hospital or physician's record of birth or death;
    - b. A baptismal record;
    - c. School enrollment records;
    - d. Military records;
    - e. Court records;

- f. A U.S. Census enumeration record; or
- g. Other supporting documents approved by the State Registrar.

A municipal clerk or the Department may verify the authenticity of the documents presented in the event they have reasonable cause to question the validity or accuracy of the document

## SECTION 8. RELEASE OF RESTRICTED RECORDS AND DATA

- A. **Department may limit access.** The Department may impose reasonable conditions as to the use and re-disclosure of information and may limit access to the minimum necessary to fulfill the administrative or statistical purposes for which the data is requested.
- B. **Authorized applicants.** At the discretion of the State Registrar, restricted vital statistics data, reports and records may be released to the following applicants based upon the intended purposes or uses of such restricted data:
  - 1. The National Center for Health Statistics and other federal agencies upon receipt of a contract, purchase order or other agreement, on other than the prescribed application form.
  - 2. Other state vital statistics offices which have signed the current Inter-Jurisdictional Exchange of Vital Records Agreement.
  - 3. Applicants who have presented supporting documentation to demonstrate the direct and legitimate interest in the data or record in which they are requesting as specified in Section 6.
  - 4. Federal or State agencies, Maine local government or Tribal agencies, Maine municipal governments and Maine public school districts, any of which may require such vital statistics data for statistical or administrative purposes in the conduct of their official duties.
  - 5. Those individuals conducting health, medical and social research, including those who represent governmental agencies, which have potential for reducing morbidity and mortality within Maine, for furthering scientific understanding of disease processes or for improving health and social services.
- C. **Additional application requirements.** In addition to completing the application as specified in Section 3, applicants requesting vital statistics data for research shall provide the Department with the following:
  - 1. The purpose for which the vital statistics data is requested and the statutory authority for this activity, if applicable, and whether further contact with the registrant, family members or other individuals will be made on the basis of vital statistics data, demonstrating that the data and further contact are essential for conduct of the agency's official duties or are essential for conduct of the research.

2. Whether vital statistics data will be linked with other data and verification that such linkage, if planned, is essential and that the vital statistics data will be linked with other data bases or electronic systems only for the administrative purposes or research specified in the application.
3. Description of whether, and, if so, to whom, vital statistics data will be released, demonstrating that such release meets the approved research purposes.
4. Description of the procedures that will be used to maintain the confidentiality and security of identifying vital statistics data received on or through the use of records, including any intended release of vital statistics data approved by the Department. These described procedures must explain protocols consistent with the confidentiality agreement developed and maintained by the Department.
5. Description of the procedures and timetable for disposition of restricted vital statistics data.
6. The name and title of the individual who will be responsible for ensuring conformity with the standards for the use and release of vital statistics data.
7. Written assurances, by an individual within the requesting organization who is authorized to execute agreements, that restricted vital statistics data will not be used for purposes other than those specified in the application.
8. If another organization or agency will be receiving any vital statistics data, a responsible individual within that organization shall also complete and submit a separate signed confidentiality agreement agreeing to adhere to all applicable conditions of this rule and of the agreement.

D. **Conditions for release.** The Department may release vital statistics data to an applicant only when the State Registrar is satisfied that the following criteria are met:

1. Restricted or identifying vital statistics data are essential for the agency to conduct its official duties or for the conduct of the research.
2. Contact with individuals on the basis of information from vital statistics data, if intended, is required for the administrative purposes specified in the application or, in the case of a research study, meets professional standards for human subject research.
3. Linkages with other data bases or electronic systems, if planned, are essential for the administrative purposes specified in the application or for conduct of the research and will not lead to unauthorized disclosure of restricted vital statistics data.
4. Restricted or identifying vital statistics data will not be further disclosed or used for purposes or studies other than those for which they were requested unless so authorized by the State Registrar.

5. Adequate procedures are in place to secure vital statistics data from unauthorized access or use for purposes other than those for which they were requested, secured when not in use and accessed only by authorized individuals for the purposes stated in the application.
6. Disposition of restricted vital statistics data will be made in a manner that will not permit unauthorized disclosure.
7. A confidentiality agreement has been signed by an individual authorized to execute agreements, stating that the agency or organization will meet with and conform to the stated conditions under which the restricted vital statistics data will be used, as specified in the application.
8. Signed confidentiality agreements have been obtained from any other organization or agency that will be receiving restricted vital statistics data.
9. The researcher's protocol that includes the research proposal with safeguards and approval or waiver from an Institutional Review Board (IRB) has been approved by the Department in accordance with methods prescribed by the Department.
10. The DHHS Data Sharing and Protection Agreement for Research, if applicable, has been signed by Commissioner or designee as required by the Department and, upon receipt, has been provided to the researcher by the Department.

E. **Additional conditions for release of sealed vital records.** In the case of sealed records such as adoptions, legal change of sex, legitimations or court orders, the following may be released by the Department, provided the applicant meets all other applicable requirements.

1. Adoption record release requires:
  - a. Name of the child after adoption,
  - b. Names of adoptive parents; and
  - c. Adoptive parent's mailing address.
2. Legal change of sex record release requires:
  - a. Name of child after legal change of sex, and
  - b. Town or city where the birth occurred.
3. Legitimation record release requires:
  - a. Name of child after legitimation, and
  - b. Town or city where the birth occurred.

4. Court order release, unless otherwise specified in court order, requires the:

- a. Name of child after court order, and
- b. Town or city where the birth occurred.

**F. Additional conditions for use of vital statistics data from other states.** Use of vital statistics data obtained from other states in accordance with the Inter-Jurisdictional Exchange of Vital Records Agreement, which do not include identifying vital statistics data, may be authorized under this Section for research purposes.

- 1. Research requests for release of individual names or other individual identifiers require the written permission of the state where the record is officially registered.
- 2. Administrative requests for vital statistics data obtained from other states in accordance with the Inter-Jurisdictional Exchange of Vital Records require the written permission of the state where the record is officially registered.

**G. Continuing use.** Restricted vital statistics data may be released on an ongoing basis if needed for the requesting organization to conduct its official duties or for conduct of the research.

- 1. The State Registrar may approve applications for periods up to three years, so long as there are no significant changes, as specified in paragraph (3) below, in the uses described in the initial application.
- 2. A new or updated application shall be submitted to the State Registrar, together with a new Data Sharing and Protection Agreement, if there are changes in any of the following areas:
  - a. The purpose for which restricted vital statistics data will be used;
  - b. Contact with the registrant, family members, or other individuals on the basis of vital statistics data;
  - c. Linkage with other data within or outside the requesting organization;
  - d. How or to whom restricted vital statistics data will be released;
  - e. Procedures for securing restricted vital statistics data;
  - f. Procedures and timetable for disposition of restricted vital statistics data;
  - g. The individual responsible for conformance to standards for release of restricted vital statistics data;
  - h. If different variables or data items are requested; or
  - i. Other agencies or organizations receiving restricted vital statistics data.



3. After three years, a new or updated application shall be submitted to the Department, together with a Data Sharing and Protection Agreement.

## SECTION 9. REGISTRATION OF GENEALOGICAL RESEARCHER IDENTIFICATION CARD

- A. **Registration requirements.** Genealogical researchers desiring to obtain a genealogical researcher identification card for the purposes of requesting access to and inspection of restricted vital statistics data, reports and records, including indexes, shall present the Department with the required documents specified below for the registration of a genealogical researcher identification card.
  1. A completed and signed genealogical researcher card application on the form prescribed and furnished by the State Registrar;
  2. A completed and signed genealogical disclosure agreement furnished by the State Registrar;
  3. Acceptable identification as specified in Section 4;
  4. The required registration fee for obtaining a genealogical researcher identification card as specified in 10-146 CMR chapter 7; and
  5. Documentation of membership in an existing genealogical society in the form of a valid membership card or a statement of membership on the genealogical society's letterhead. The membership card or statement of membership shall contain the genealogical society membership date of expiration.
- B. **Disclosure for verification purposes.** The Department may disclose confidential or restricted information for the purpose of verifying with originating agencies the validity of the documents submitted in support of the registration requirements specified in Section 9(A).
- C. **Authority of the State Registrar.** The State Registrar has the authority to approve and revoke a genealogical researcher's identification card.
  1. The State Registrar shall approve the registration of a genealogical researcher identification card and issue the researcher's card after the review and approval of the required documents specified in Section 9(A).
  2. The State Registrar may revoke a genealogical researcher's identification card before the time of expiration if the genealogical researcher violates any applicable rules or agreements.

## SECTION 10. VERIFICATIONS

- A. Verification of records.** Verification of the facts contained in a record registered by the State Registrar may be furnished by the Department to any federal, state or municipal government agency, or to any other agency approved by the State Registrar representing the interest of the registrant.
1. **Disclosure of data in public records.** The Department may verify data contained in non-restricted records provided all the conditions specified in Section 2(A) are met.
  2. **Disclosure of data in restricted records.** The Department may verify data contained in restricted records provided all the conditions specified in Section 2(B) are met.
  3. **National Center for Health Statistics (NCHS).** Vital statistics data, reports and records will be furnished to the National Center for Health Statistics (NCHS) only upon prior agreement of sharing the cost of collecting, processing and transmitting the vital statistics data, reports and records.
  4. **Inter-jurisdictional exchange of vital records agreement.** Notwithstanding paragraph (3) above, vital statistics data, reports and records may be furnished to other states under the terms of the Inter-Jurisdictional Exchange of Vital Records Agreement without charge.
- B. Binding agreement.** A binding agreement may be established with applicants to cover the cost of collecting, maintaining and processing vital statistics data, reports and records related to the system of vital statistics.

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### STATUTORY AUTHORITY:

5 MRS §90-B  
 22 MRS §42  
 22 MRS §1596  
 22 MRS §2706  
 22 MRS §2706-A  
 22 MRS §2710  
 22 MRS §2768  
 22 MRS §2803  
 22 MRS §§2841-2842

### EFFECTIVE DATE:

December 10, 1982 – as “Public Access to Vital Records”

### EFFECTIVE DATE (ELECTRONIC CONVERSION):

May 5, 1996

### REPEALED AND REPLACED:

October 3, 2018 – filing 2018-209 - as “Disclosure of Vital Statistics Data, Reports and Records”